

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

TIMOTHY SHANE ELLIS,

Plaintiff,

v.

**TULSA COUNTY SHERIFF’S OFFICE,
DAVID L. MOSS CRIMINAL JUSTICE
CENTER, and/or others,**

Defendants.

No. CIV 17-491-TCK-JFJ

OPINION AND ORDER


On August 28, 2017, Plaintiff, a pro se prisoner who was incarcerated at the David L. Moss Criminal Justice Center, filed a motion for an emergency injunction concerning the conditions of his confinement (Dkt. 1). On September 13, 2017, the Court entered an Order denying Plaintiff’s motion for emergency injunction and directing him to file an amended civil rights complaint pursuant to 42 U.S.C. § 1983 (Dkt. 3). Plaintiff was further directed to pay the filing fee for this action or file a motion to proceed *in forma pauperis*. *Id.* On September 14, 2017, the Court sent Plaintiff blank forms for filing an amended civil rights complaint and a motion to proceed *in forma pauperis*.

The mailings to Plaintiff were returned to the Court on September 22, September 26, and November 22 of 2017, with the notations, “RETURN TO SENDER, NOT IN CUSTODY” (Dkts. 4, 5, & 6). As of the entry of this Order, Plaintiff has not advised the Court of his current address or otherwise communicated with the Court. Pursuant to this Court’s Local Civil Rule 5.5(a), litigants must notify the Court of a change in mailing address “by filing the form provided by the Clerk and serving a copy on opposing counsel or *pro se* parties.” Because Plaintiff has failed to comply with Local Civil Rule 5.5(a), this action is **dismissed without prejudice** for failure to prosecute. *See United States ex rel. Geminis v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir.

2005) (dismissing appeal sua sponte for failure to prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, IT IS HEREBY ORDERED that the complaint (Dkt. 1) is **dismissed without prejudice** for Plaintiff's failure to prosecute.

DATED this 19th day of December 2017.


TERENCE KERN
United States District Judge